

103<sup>D</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2448

To improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 17, 1993

Mr. MARKEY (for himself, Mr. WAXMAN, Mr. SWIFT, and Mr. HASTERT) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To improve the accuracy of radon testing products and services, to increase testing for radon, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Radon Awareness and  
5       Disclosure Act of 1993”.

6       **SEC. 2. FINDINGS.**

7       The Congress finds the following:

8               (1) The Environmental Protection Agency has  
9       determined that radon is second only to smoking as

1 the leading cause of lung cancer, resulting in about  
2 14,000 deaths each year.

3 (2) Testing for elevated levels of radon is rel-  
4 atively simple and inexpensive.

5 (3) There is not an adequate effort by Federal  
6 agencies to encourage testing for radon.

7 (4) Efforts to encourage testing have had lim-  
8 ited results, reaching only a small percentage of  
9 homes to date.

10 (5) The lack of a mandatory certification proc-  
11 ess leads to inaccurate radon testing, ineffective  
12 radon mitigation, erosion of public confidence in the  
13 industry, and a waste of consumer investment.

14 (6) Increased public awareness of the dangers  
15 of radon gas and the means to mitigate its effects  
16 will lead to more informed decision making and a  
17 more productive use of resources.

18 **SEC. 3. AUTHORIZATION FOR RADON ABATEMENT PROVI-**  
19 **SIONS OF TOXIC SUBSTANCES CONTROL ACT.**

20 (a) IN GENERAL.—Section 311 of the Toxic Sub-  
21 stances Control Act (15 U.S.C. 2662 et seq.) is redesi-  
22 gnated as section 318 and amended to read as follows:

23 **“SEC. 318. AUTHORIZATION OF APPROPRIATIONS.**

24 “There is authorized to be appropriated to carry out  
25 the provisions of this title (other than section 307) such

1 sums as may be necessary for the fiscal years 1994  
2 through 1997.”.

3 (b) CONFORMING AMENDMENTS.—The following sec-  
4 tions of title III of the Toxic Substances Control Act (15  
5 U.S.C. 2662 et seq.) are repealed:

6 (1) Section 305(f).

7 (2) Section 306(j).

8 (3) Section 308(f).

9 **SEC. 4. PERFORMANCE PROGRAM FOR RADON PRODUCTS**  
10 **AND SERVICES.**

11 Section 309 of the Toxic Substances Control Act is  
12 amended to read as follows:

13 **“SEC. 309. PERFORMANCE AND PROFICIENCY PROGRAM**  
14 **FOR RADON PRODUCTS AND SERVICES.**

15 “(a) PERFORMANCE AND PROFICIENCY PROGRAM.—

16 (1) Within one year after the enactment of the Radon  
17 Awareness and Disclosure Act of 1993, the Administrator  
18 shall promulgate regulations establishing a program to re-  
19 quire each of the following—

20 “(A) Any product for the measurement or miti-  
21 gation of radon shall meet performance criteria that  
22 insure the effectiveness of such product.

23 “(B) Any person offering a service to the public  
24 for the measurement or mitigation of radon shall

1       meet a level of proficiency that insures the effective-  
2       ness of such service.

3   Effective on the date 2 years after the enactment of the  
4   Radon Awareness and Disclosure Act of 1993, no person  
5   may introduce into commerce any product for the meas-  
6   urement or mitigation of radon unless such product meets  
7   the performance criteria established under subparagraph  
8   (A) and no person may offer a service to the public for  
9   the measurement or mitigation of radon unless such per-  
10   son meets the level of proficiency established under sub-  
11   paragraph (B).

12       “(2) The program established as provided in para-  
13   graph (1) shall include each of the following—

14           “(A) Procedures for ordering the recall of any  
15       product introduced in commerce for the measure-  
16       ment or mitigation of radon which does not meet the  
17       performance criteria established under paragraph  
18       (1)(A).

19           “(B) Procedures for ordering the discontinu-  
20       ance of any service offered to the public for the  
21       measurement or mitigation of radon which does not  
22       meet the levels of proficiency established under para-  
23       graph (1)(B).

24           “(C) Procedures for establishing adequate qual-  
25       ity assurance requirements for each radon measure-

1       ment or mitigation product introduced into com-  
2       merce and for each radon measurement or mitiga-  
3       tion service offered to the public.

4       “(b) EFFECTIVENESS OF PRODUCTS; PUBLIC  
5 AWARENESS.—The Administrator shall develop and make  
6 each of the following available to the public:

7               “(1) A list of all radon measurement and miti-  
8       gation products which meet minimum performance  
9       criteria under paragraph (1)(A) of subsection (a).

10              “(2) A summary of current radon measurement  
11       and mitigation methods and products. Such sum-  
12       mary shall include information about the accuracy,  
13       effectiveness, cost, and resistance to tampering of  
14       such products and methods.

15       “(c) USER FEE.—(1) Within one year after the en-  
16       actment of the Radon Awareness and Disclosure Act of  
17       1993, the Administrator shall promulgate rules imposing  
18       user fees on persons who manufacture or import any prod-  
19       uct described in subsection (a)(1)(A) and for persons who  
20       offer any service described in subsection (a)(1)(B). The  
21       amount of such fees shall be designed to cover the annual  
22       operating costs of the Environmental Protection Agency  
23       in carrying out the program established under subsection  
24       (a), except that the Administrator may reduce the amount  
25       of such fees during the first 3 fiscal years after the pro-

1 mulgation of regulations under subsection (a) in order to  
2 promote the availability of radon measurement and miti-  
3 gation products and services. Such fees shall be structured  
4 such that any person's liability for such fees is reasonably  
5 based on the proportion of the program's operating costs  
6 that relate to such person, and such person's liability for  
7 such fees shall not be based on the income of such person.

8       “(2) The fee established under paragraph (1) shall  
9 not apply with respect to persons who are employees of  
10 public and nonprofit child care facilities, schools, hospitals,  
11 nursing homes, or other care facilities and who are provid-  
12 ing services described in subsection (a)(1)(B) at such  
13 facilities.

14       “(d) USE OF FUNDS.—Amounts received for user  
15 fees under subsection (b) shall be deposited in a Radon  
16 Service Account established in the Treasury of the United  
17 States for use by the Administrator, to the extent provided  
18 in appropriations Acts, in carrying out the program estab-  
19 lished under subsection (a).”.

20 **SEC. 5. MEDICAL COMMUNITY OUTREACH.**

21       Title III of the Toxic Substances Control Act is  
22 amended by adding the following new section after section  
23 316 (as redesignated by section 11 of this Act):

1 **“SEC. 317. MEDICAL COMMUNITY OUTREACH.**

2 “(a) IN GENERAL.—The Administrator, in coopera-  
3 tion with the Secretary of Health and Human Services,  
4 shall develop and implement an outreach program to pro-  
5 vide information about radon to the medical community.

6 “(b) INFORMATION.—(1) The Administrator, in con-  
7 sultation with the Secretary of Health and Human Serv-  
8 ices and the Surgeon General, shall develop informational  
9 material concerning radon tailored to doctors in general  
10 practice and in specialties related to lung cancer. Such in-  
11 formation shall, at a minimum—

12 “(A) explain the health threats posed by expo-  
13 sure to radon;

14 “(B) explain the association of radon with  
15 smoking and other causes of lung cancer;

16 “(C) identify appropriate steps to determine ex-  
17 posure to radon in the home; and

18 “(D) identify sources of additional information.

19 “(2) Not later than one year after the date of the  
20 enactment of this section, the Administrator shall trans-  
21 mit the information developed pursuant to this section  
22 to—

23 “(A) doctors in the United States in general  
24 practice;

25 “(B) doctors in specialties related to lung can-  
26 cer;

1           “(C) all doctors employed by the Federal Gov-  
2       ernment;

3           “(D) all hospital administrators; and

4           “(E) other physicians and officials determined  
5       by the Administrator to be appropriate.

6       “(c) REPORT.—Not later than 2 years after the date  
7       of enactment of this section, the Administrator, in con-  
8       sultation with the Secretary of Health and Human Serv-  
9       ices, shall report to Congress concerning the implementa-  
10      tion of this section and recommendations for measures to  
11      improve radon information dissemination to the medical  
12      community.”.

13   **SEC. 6. STRATEGY TO IDENTIFY AND REDUCE EXCEPTION-**  
14                   **ALLY HIGH INDOOR RADON LEVELS.**

15       Title III of the Toxic Substances Control Act is  
16      amended by adding the following new section after section  
17      315 (as added by section 5 of this Act):

18   **“SEC. 316. STRATEGY TO IDENTIFY AND REDUCE EXCEP-**  
19                   **TIONALLY HIGH INDOOR RADON LEVELS.**

20       “(a) DEVELOPMENT OF THE STRATEGY.—Within 9  
21      months of the date of enactment of the Radon Awareness  
22      and Disclosure Act of 1993, the Administrator shall, in  
23      consultation with other Federal agencies and scientific ex-  
24      perts in radon health effects, detection, and mitigation,  
25      using relevant and available information, develop and pro-



1 vide to Congress a strategy for identifying areas and build-  
2 ings within the United States with exceptionally high lev-  
3 els of radon and for reducing such radon levels. The Ad-  
4 ministrator shall revise the strategy as necessary to incor-  
5 porate additional relevant information.

6 “(b) IMPLEMENTATION OF THE STRATEGY.—No  
7 later than 9 months after the date of enactment of the  
8 Radon Awareness and Disclosure Act of 1993, the Admin-  
9 istrator shall begin to implement the provisions of the  
10 strategy required under subsection (a).

11 “(c) REPORT TO CONGRESS.—21 months after the  
12 date of enactment of the Radon Awareness and Disclosure  
13 Act of 1993, the Administrator shall report to Congress  
14 on the results of Federal, State, and local efforts to imple-  
15 ment the strategy developed under subsection (a).”.

16 **SEC. 7. AMENDMENTS TO SECTION 306 OF TSCA.**

17 Section 306 of the Toxic Substances Control Act is  
18 amended as follows:

19 (1) In subsection (e), strike “In the event that  
20 State applications for funds exceed the total funds  
21 available in a fiscal year, the” and insert “The”.

22 (2) Amend subsection (e) to add the following  
23 new paragraph at the end thereof:

24 “(5) The potential for the activity or project to  
25 advance the strategy developed under section 315.”.

1           (3) In subsection (f), strike “in the third year”  
2           and insert “thereafter”.

3   **SEC. 8. ESTABLISHMENT OF PRESIDENT’S COMMISSION ON**  
4                           **RADON AWARENESS.**

5           (a) ESTABLISHMENT.—There is established a com-  
6 mission to be known as the President’s Commission on  
7 Radon Awareness (hereinafter in this Act referred to as  
8 the “Commission”).

9           (b) DUTIES.—The Commission shall—

10           (1) examine public awareness programs in ef-  
11 fect on the date of the enactment of this Act which  
12 are—

13                   (A) implemented through various segments  
14 of mass media; and

15                   (B) intended to raise public awareness of  
16 the health threats of radon and the benefits of  
17 testing for radon;

18           (2) act as an administrative and coordinating  
19 body for the voluntary donation of resources to as-  
20 sist the implementation of new programs and na-  
21 tional strategies for dissemination of information in-  
22 tended to raise awareness of the health threats of  
23 radon;

24           (3) encourage media outlets throughout the  
25 country to provide information aimed at increasing

1 radon awareness, including public service announce-  
2 ments and advertisements; and

3 (4) evaluate the effectiveness and assist in the  
4 update of programs and national strategies formu-  
5 lated with the assistance of the Commission.

6 (c) NATIONAL RADON EDUCATION CAMPAIGN.—

7 (1) IN GENERAL.—The Administrator of the  
8 Environmental Protection Agency, in collaboration  
9 with the Commission, shall establish a national edu-  
10 cation campaign to increase public awareness con-  
11 cerning radon health risks and motivate public ac-  
12 tion to reduce radon levels. The national education  
13 campaign shall include the use of funds for the pur-  
14 chase and production of public educational mate-  
15 rials. The Administrator is authorized to enter into  
16 cooperative agreements to carry out this section.

17 (2) RADON AWARENESS WEEK.—As part of the  
18 national education campaign, the Administrator may  
19 designate an annual national radon awareness week.

20 (d) MEMBERSHIP AND OPERATION OF COMMIS-  
21 SION.—

22 (1) NUMBER AND APPOINTMENT.—The Com-  
23 mission shall be composed of 12 members appointed  
24 by the President within 30 days after the date of the

1 enactment of this Act, and should include represent-  
2 atives of—

3 (A) advertising agencies;

4 (B) television, radio, cable communica-  
5 tions, and print media;

6 (C) the health industry;

7 (D) other segments of the business sector  
8 of the United States;

9 (E) experts in the field of radiation  
10 science;

11 (F) consumer groups;

12 (G) the radon testing and remediation in-  
13 dustry; and

14 (H) other Federal agencies, as designated  
15 by the President.

16 (2) TERMS.—

17 (A) Except as provided in subparagraphs  
18 (B) and (C), members shall be appointed for  
19 terms of 3 years.

20 (B) Any member appointed to fill a va-  
21 cancy occurring before the expiration of the  
22 term for which such member's predecessor was  
23 appointed shall be appointed only for the re-  
24 mainder of such term.

1 (C) A member may serve after the expira-  
2 tion of the member's term until a successor to  
3 the member has taken office.

4 (3) BASIC PAY AND EXPENSES.—(A) Except as  
5 provided in subparagraph (B), members of the Com-  
6 mission shall serve without pay.

7 (B) While away from their homes or regular  
8 places of business in the performance of services for  
9 the Commission, members shall be allowed travel ex-  
10 penses, including a per diem allowance in lieu of  
11 subsistence, in the same manner as persons serving  
12 intermittently in the Government services are al-  
13 lowed travel expenses under section 5703 of title 5,  
14 United States Code.

15 (4) PROCEDURES, MEETINGS, STAFF, ETC.—  
16 The Commission shall establish such rules regarding  
17 meetings, including rules regarding quorum, voting  
18 and procedure, and regarding staff, experts and con-  
19 sultants as the Commission deems appropriate. The  
20 Commission may use the United States mails in the  
21 same manner and under the same conditions as  
22 other departments and agencies of the United  
23 States. The Administrator of General Services shall  
24 provide to the Commission on a reimbursable basis

1 such administrative support services as the Commis-  
2 sion may request.

3 (5) REPORT.—The Commission shall transmit  
4 to the President and to each House of Congress a  
5 report not later than July 31 of each year which  
6 contains a detailed statement of the activities of the  
7 Commission during the preceding year, including a  
8 summary of the number of public service announce-  
9 ments produced by the Commission and published or  
10 broadcast.

11 (6) TERMINATION.—The Commission shall ter-  
12minate on a date which is 3 years after the date on  
13 which members of the Commission are first ap-  
14 pointed, unless the President, by Executive order,  
15 extends the authority of the Commission.

16 **SEC. 9. NEW CONSTRUCTION.**

17 Section 304 of the Toxic Substances Control Act (15  
18 U.S.C. 2661 et seq.) is amended as follows:

19 (1) Strike the section heading thereof and in-  
20 sert “NEW CONSTRUCTION”.

21 (2) Insert “(a) MODEL STANDARDS AND TECH-  
22NIQUES.—” before the first sentence.

23 (3) Add the following at the end:

24 “(b) MINIMUM FEDERAL STANDARDS.—Not later  
25 than 1 year after the enactment of this subsection, the

1 Administrator shall establish minimum radon prevention  
2 standards for new vulnerable premises in high radon  
3 areas, the construction of which commences after the pro-  
4 mulgation of such standards. Such standards shall, at a  
5 minimum, require that radon levels do not exceed the lev-  
6 els achievable through the use of reasonably available and  
7 economically achievable methods. The Administrator may,  
8 where appropriate, apply such standards outside high  
9 radon areas.”.

10 **SEC. 10. AUTHORIZED STATE PROGRAMS.**

11 Title III of the Toxic Substances Control Act (15  
12 U.S.C. 2661 et seq.) is amended by adding the following  
13 new section after section 310 (relating to disclosure of in-  
14 formation concerning radon as added by section 11 of this  
15 Act):

16 **“SEC. 311. AUTHORIZED STATE PROGRAMS.**

17 “(a) APPROVAL.—Any State which seeks to admin-  
18 ister and enforce a State program containing the stand-  
19 ards, regulations, or other requirements established under  
20 section 309(a)(1)(B)(relating to services for the measure-  
21 ment or mitigation of radon) or 304(b)(relating to new  
22 construction standards), or both, may, after notice and op-  
23 portunity for public comment, develop and submit to the  
24 Administrator an application, in such form as the Admin-  
25 istrator shall require, for authorization of such a State

1 program. Any such State may also certify to the Adminis-  
2 trator at the time of submitting such program that the  
3 State program meets the requirements of paragraphs (1)  
4 and (2) of subsection (b) of this section. Upon submission  
5 of such certification, the State program shall be deemed  
6 to be authorized under this section, and shall apply in such  
7 State in lieu of the corresponding Federal program under  
8 section 309(a)(1)(B) or 304(b), or both, as the case may  
9 be, until such time as the Administrator disapproves the  
10 program or withdraws the authorization.

11 “(b) APPROVAL OR DISAPPROVAL.—Within 180 days  
12 following submission of an application under subsection  
13 (a), the Administrator shall approve or disapprove the ap-  
14 plication. The Administrator may approve the application  
15 only if, after notice and after opportunity for public hear-  
16 ing, the Administrator finds that—

17 “(1) the State program is at least as protective  
18 of human health and the environment as the Federal  
19 program under section 309(a)(1)(B) or section  
20 304(b), or both, as the case may be, and

21 “(2) such State program provides adequate en-  
22 forcement.

23 Upon authorization of a State program under this section,  
24 it shall be unlawful for any person to violate or fail or  
25 refuse to comply with any requirement of such program.



1       “(c) WITHDRAWAL OF AUTHORIZATION.—If a State  
2 is not administering and enforcing a program authorized  
3 under this section in compliance with standards, regula-  
4 tions, and other requirements of this title, the Adminis-  
5 trator shall so notify the State and, if corrective action  
6 is not completed within a reasonable time, not to exceed  
7 180 days, the Administrator shall withdraw authorization  
8 of such program and establish a Federal program pursu-  
9 ant to this title.

10       “(d) MODEL STATE PROGRAM.—Within 12 months  
11 after the enactment of this section, the Administrator  
12 shall promulgate a model State program which may be  
13 adopted by any State which seeks to administer and en-  
14 force a State program under this section. Such program  
15 shall encourage reciprocity among the States.

16       “(e) OTHER STATE REQUIREMENTS.—Nothing in  
17 this title shall be construed to prohibit any State or politi-  
18 cal subdivision thereof from imposing any requirements  
19 which are more stringent than those imposed by this title.

20       “(f) EXISTING STATE AND LOCAL PROGRAMS.—The  
21 regulations under this title shall, to the extent appropriate,  
22 encourage States to seek program authorization and to  
23 use existing State and local programs and procedures for  
24 carrying out such program.

1       “(g) FEES.—Each State program authorized under  
 2 this section containing the standards, regulations, or other  
 3 requirements established under section 309(a)(1)(B) (re-  
 4 lating to services for the measurement or mitigation of  
 5 radon) may include user fees applicable to persons who  
 6 offer any service described in subsection 309(a)(1)(B) in  
 7 an amount designed to cover, in whole or in part, the an-  
 8 nual operating costs of such program. The user fees under  
 9 section 309(b) shall not apply to persons subject to user  
 10 fees under such a State program.”.

11 **SEC. 11. DISCLOSURE OF INFORMATION CONCERNING**  
 12 **RADON.**

13       Title III of the Toxic Substances Control Act (15  
 14 U.S.C. 2661 et seq.) is amended by redesignating section  
 15 310 as section 315 and by adding the following new sec-  
 16 tion after section 309:

17 **“SEC. 310. DISCLOSURE OF INFORMATION CONCERNING**  
 18 **RADON.**

19       “(a) DISCLOSURE IN PURCHASE AND SALE OR  
 20 LEASE.—

21               “(1) RADON.—Not later than 1 year after the  
 22 enactment of this section, the Administrator shall  
 23 promulgate regulations providing for the disclosure  
 24 of radon in vulnerable premises whenever any such  
 25 premises is offered for sale or lease. The regulations

1 shall require that, before the purchaser or lessee is  
2 obligated under any contract to purchase or lease  
3 the premises, the seller or lessor shall—

4 “(A) provide the purchaser or lessee with  
5 a radon hazard information pamphlet as pre-  
6 scribed in subsection (b);

7 “(B) disclose to the purchaser or lessee the  
8 presence of any known radon and any radon  
9 mitigation systems in the vulnerable premises  
10 concerned and provide to the purchaser or les-  
11 see any radon measurement report available to  
12 the seller or lessor; and

13 “(C) permit the purchaser a 10-day period  
14 (unless the parties mutually agree upon a dif-  
15 ferent period of time) to conduct a test of the  
16 premises to detect radon.

17 “(2) CONTRACT FOR PURCHASE AND SALE.—  
18 Regulations promulgated under this section shall  
19 provide that every contract for the purchase and sale  
20 of any vulnerable premises shall include a Radon  
21 Warning Statement and a statement signed by the  
22 purchaser that the purchaser has—

23 “(A) read the Radon Warning Statement  
24 and understands its contents;

1           “(B) received a radon hazard information  
2 pamphlet; and

3           “(C) had a 10-day opportunity (unless the  
4 parties mutually agreed upon a different period  
5 of time) before becoming obligated under the  
6 contract to purchase the premises to conduct a  
7 radon test on the premises to detect radon.

8           “(3) CONTENTS OF RADON WARNING STATE-  
9 MENT.—The Radon Warning Statement referred to  
10 in this section shall contain the following text print-  
11 ed in large type on a separate sheet of paper at-  
12 tached to the contract:

‘Every purchaser of any premises with one or more fre-  
quently occupied rooms below the third floor is notified that  
such premises may present dangerous exposure to radon.  
Radon is a naturally occurring radioactive gas which moves  
from the soil into premises. It is the second leading cause of  
lung cancer, causing thousands of deaths each year. The seller  
is required to provide the buyer with any information on radon  
from tests in the seller’s possession and notify the buyer of any  
known radon and any radon mitigation systems. Testing for  
radon is recommended in every premises to be purchased.’.

13           “(4) COMPLIANCE ASSURANCE.—Whenever a  
14 seller or lessor has entered into a contract with an  
15 agent for the purpose of selling or leasing a vulner-  
16 able premises, the regulations promulgated under  
17 this section shall require the agent, on behalf of the  
18 seller or lessor, to ensure compliance with the re-  
19 quirements of this section.

1 “(b) RADON HAZARD INFORMATION PAMPHLET.—

2 Not later than 1 year after the enactment of this section,

3 and after notice and opportunity for comment, the Admin-

4 istrator shall publish a radon hazard information pam-

5 phlet. The pamphlet shall, at a minimum—

6 “(1) describe the prevalence and risks of radon

7 exposure at different levels;

8 “(2) provide information evaluating products

9 and services for the measurement and mitigation of

10 radon;

11 “(3) advise persons as to how to obtain a list

12 of products for the measurement or mitigation of

13 radon which meet the performance criteria estab-

14 lished under section 309(a)(1) and a list of persons

15 providing radon measurement or mitigation services

16 who meet the proficiency levels established under

17 section 309(a)(1); and

18 “(4) state that the Administrator recommends

19 that buyers and lessees ascertain the radon level of

20 any vulnerable premises to be purchased or leased.

21 The Administrator shall from time to time review and re-

22 vise such pamphlet.

23 “(c) PENALTIES FOR VIOLATIONS.—

24 “(1) CIVIL LIABILITY.—Any person who know-

25 ingly violates the provisions of this section shall be

1 jointly and severally liable to the purchaser or lessee  
2 in an amount equal to 3 times the amount of dam-  
3 ages incurred by such individual.

4 “(2) COSTS.—In any civil action brought for  
5 damages pursuant to paragraph (1), the appropriate  
6 court may award court costs to the party commenc-  
7 ing such action, together with reasonable attorney  
8 fees and any expert witness fees, if that party pre-  
9 vails.

10 “(d) OTHER DISCLOSURE REQUIREMENTS.—The  
11 Administrator may consolidate the requirements applica-  
12 ble under this section with the disclosure requirements ap-  
13 plicable under other authority of law.

14 “(e) VALIDITY OF CONTRACTS AND LIENS.—Nothing  
15 in this section shall affect the validity or enforceability of  
16 any sale or contract for the purchase and sale or lease  
17 of any interest in real property or any loan, loan agree-  
18 ment, mortgage, or lien made or arising in connection with  
19 a mortgage loan, nor shall anything in this section create  
20 a defect in title.

21 “(f) EFFECTIVE DATE.—The regulations under this  
22 section shall take effect 2 years after the date of the enact-  
23 ment of this title.”.

1 **SEC. 12. LOCAL GOVERNMENT ASSISTANCE.**

2 Section 306(g) of the Toxic Substances Control Act  
3 (15 U.S.C. 2666(g)) is amended by inserting “(1)” before  
4 the first sentence thereof and by adding the following at  
5 the end thereof:

6 “(2) The Administrator may set aside a percentage  
7 of the grants made to States under this section to be paid  
8 by such States to local governments in high radon areas.  
9 Such amounts shall be used for eligible activities under  
10 subsection (c). In the case of any State not receiving a  
11 grant under this section, the Administrator may make  
12 grants directly to local governments in such State for such  
13 purposes. Subsection (f) shall not apply to any grant to  
14 a local government described in the preceding sentence or  
15 to any portion of a grant to a State under this section  
16 which is paid to a local government as provided in this  
17 paragraph.”.

18 **SEC. 13. ENFORCEMENT AND ADMINISTRATIVE PROCEED-**  
19 **INGS.**

20 Title III of the Toxic Substances Control Act (15  
21 U.S.C. 2661 et seq.) is amended by adding the following  
22 new sections after section 311:

23 **“SEC. 312. PROHIBITED ACTS.**

24 “It shall be unlawful for any person to fail or refuse  
25 to comply with any provision of this title or any rule or  
26 order under this title.

1 **“SEC. 313. ADMINISTRATIVE PROCEEDINGS.**

2       “The provisions of section 411 shall apply to regula-  
3 tions issued under this title in the same manner and to  
4 the same extent as such provisions apply to regulations  
5 issued under title IV.

6 **“SEC. 314. CONTROL OF RADON AT FEDERAL FACILITIES.**

7       “Each department, agency, and instrumentality of  
8 executive, legislative, and judicial branches of the Federal  
9 Government and each officer, agent, or employee thereof,  
10 shall be subject to, and comply with, all Federal, State,  
11 interstate, and local requirements, both substantive and  
12 procedural (including any requirement for certification, li-  
13 censing, recordkeeping, or reporting or any provisions for  
14 injunctive relief and such sanctions as may be imposed by  
15 a court to enforce such relief) respecting radon in the  
16 same manner, and to the same extent as any nongovern-  
17 mental entity is subject to such requirements, including  
18 the payment of reasonable service charges. The Federal,  
19 State, interstate, and local substantive and procedural re-  
20 quirements referred to in this subsection include, but are  
21 not limited to, all administrative orders and all civil and  
22 administrative penalties and fines regardless of whether  
23 such penalties or fines are punitive or coercive in nature,  
24 or whether imposed for isolated, intermittent or continu-  
25 ing violations. The United States hereby expressly waives  
26 any immunity otherwise applicable to the United States



1 with respect to any such substantive or procedural require-  
2 ment (including, but not limited to, any injunctive relief,  
3 administrative order, or civil or administrative penalty or  
4 fine referred to in the preceding sentence, or reasonable  
5 service charge). The reasonable service charges referred  
6 to in this section include, but are not limited to, fees or  
7 charges assessed for certification and licensing, as well as  
8 any other nondiscriminatory charges that are assessed in  
9 connection with a Federal, State, interstate, or local radon  
10 program. No agent, employee, or officer of the United  
11 States shall be personally liable for any civil penalty under  
12 any Federal, State, interstate, or local law relating to  
13 radon with respect to any act or omission within the scope  
14 of his official duties.”.

15 **SEC. 14. DEFINITIONS.**

16 Section 302 of the Toxic Substances Control Act (15  
17 U.S.C. 2661 et seq.) is amended by adding the following  
18 at the end thereof:

19 “(5) The term ‘vulnerable premises’ means any  
20 frequently occupied space below the third floor of  
21 any building (other than a building used for indus-  
22 trial purposes).

23 “(6) The term ‘high radon area’ means any  
24 county designated by the Administrator as having a  
25 predicted average indoor screening level for radon

1 greater than 4 pCi/L, using the methodology de-  
2 scribed by the Environmental Protection Agency in  
3 the report entitled ‘Map of Radon Zones: National  
4 Report (Draft—January 1992)’.”.

5 **SEC. 15. TECHNICAL AND CONFORMING AMENDMENTS.**

6 The Toxic Substances Control Act (15 U.S.C. 2610)  
7 is amended as follows:

8 (1) In the first sentence of subsection (a) of  
9 section 11 strike “mixtures, or products subject to  
10 title IV” and insert “mixtures or products subject to  
11 title III or title IV”.

12 (2) In paragraph (1) of subsection (b) of sec-  
13 tion 11, strike “mixtures, or products subject to title  
14 IV” and insert “mixtures, or products subject to  
15 title III or IV”.

16 (3) In paragraph (1) of section 13(a), strike  
17 “or 6, or title IV” in each place it appears and in-  
18 sert “or 6, or title III or IV” and strike “7 or title  
19 IV” and insert “7 or title III or IV”.

20 (4) In section 16, strike “or 409” and insert “,  
21 409 or 312” each place it appears.

22 (5) In section 17:

23 (A) In subsection (a)(1) strike “or 409”  
24 and insert “, 409, or 312”.

1 (B) Strike “title IV” in each place it ap-  
2 pears in subparagraphs (B) and (D) of sub-  
3 section (a)(1) and in subsection (b) and insert  
4 “title III or title IV”.

5 (6) In section 19 in the first sentence of sub-  
6 section (a)(1)(A), after “title II” insert “, III”.

7 (7) In section 20(a)(1) after “title II” insert “,  
8 III,” in each place it appears.

9 (8) Subsection (a)(2) of section 305 is amended  
10 by striking out “Operation” and inserting “Until a  
11 program is in effect under section 309, operation”.

12 (9) Subsection (h)(3) of section 306 is amended  
13 by inserting before the period at the end of the first  
14 sentence “or, after the date 2 years after the enact-  
15 ment of the Radon Awareness and Disclosure Act of  
16 1993, a proficiency program under section 309”.

17 (10) In section 315 (as redesignated by this  
18 Act) insert “, including recordkeeping and reporting  
19 requirements,” after “regulations”.

20 (11) The table of contents for title III of such  
21 Act (contained in section 1 of such Act) is amended  
22 as follows:

23 (A) Amend the item relating to section 304  
24 to read as follows:

“Sec. 304. New construction.”.

- 1 (B) Strike out the items relating to section  
2 309 through 311 and insert the following:

- “Sec. 309. Performance and proficiency program for radon products and services.
- “Sec. 310. Disclosure of information concerning radon.
- “Sec. 311. Authorized State programs.
- “Sec. 312. Prohibited acts.
- “Sec. 313. Administrative proceedings.
- “Sec. 314. Control of radon at Federal facilities.
- “Sec. 315. Regulations.
- “Sec. 316. Strategy to identify and reduce exceptionally high indoor radon levels.
- “Sec. 317. Medical community outreach.
- “Sec. 318. Authorization of appropriations.”.



HR 2448 IH——2